

## **Text of Proposed Regulations**

**In the following text, underlining indicates adopted or amended text; and strikethrough indicates deleted text.**

**Section 3000 is amended to read:**

### **3000. Definitions.**

The definition below is merged in the regulations and is adopted to read:

Immediate Family Members means legal spouse; registered domestic partner, natural parents; adoptive parents, if the adoption occurred and a family relationship existed prior to the inmate's incarceration; stepparents or foster parents; grandparents; natural, step, or foster brothers or sisters; the inmate's natural and adoptive children; grandchildren; and legal stepchildren of the inmate. Aunts, uncles, and cousins are not immediate family members unless a verified foster relationship exists.

NOTE: Authority cited: Sections 2717.3, 5058 and 5058.3, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 530, 532, 646.9, 653m, 832.5, 1389, 2080, 2081.5, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 4570, 5009, 5054, 5068, and 7000 et seq., Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; and Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; *In re Bittaker*, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; and Section 11007, Health and Safety

### **Section 3045.2. Excused Time Off (ETO).**

**Sections 3045.2(a) through 3045.2(d)(2)(D) is unchanged.**

**Subsection 3045.2(d)(2)(E) is amended to read:**

(E) Family emergencies. When death, serious illness or injury occurs to an inmate's immediate family member, clergymen, family members as defined in section 3000, or close friends may visit the inmate to offer condolences or inform the inmate of the occurrence.

**Subsections 3045.2(d)(2)(F) through 3045.2(f) are unchanged.**

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601, 2620, 2621, 2931, 2933 and 5054, Penal Code.

### **Section 3170.1. General Visiting Guidelines.**

**Subsections 3170.1(a) through 3170.1(d) are unchanged.**

**Subsection 3170.1(d)(1) is amended to read:**

(1) The visitors and inmates are immediate family members as defined in section 3000; or

**Subsections 3170.1(d)(2) through 3170.1(g) is unchanged.**

NOTE: Authority cited: ~~s~~Section 5058, Penal Code. Reference: Sections 2600, 2601(c)(2), 4570 and 5054, Penal Code.

**Section 3176. Denial, Restriction, Suspension, Termination, or Revocation of Visits and Exclusion of a Person.**

**Sections 3176 through 3176(a)(9)(C) is unchanged.**

**Subsection 3176(a)(9)(D) is amended to read:**

(D) Family Emergencies: When death, serious illness or injury occurs to an inmate's immediate family as defined in section 3000. Clergy or approved visitors may visit the inmate to offer condolences or inform the inmate of the occurrence.

**Subsections 3176(a)(9)(E) through 3176(d) is unchanged.**

NOTE: Authority cited: ~~s~~Section 5058, Penal Code. Reference: ~~s~~Section 5054, Penal Code.

**Section 3177. Family Visiting (Overnight).**

**Section 3177 is amended to read:**

Institution heads shall maintain family visiting policies and procedures. Family visits are extended overnight visits, provided for eligible inmates and their immediate family members as defined in section 3000, commensurate with institution security, space availability, and pursuant to these regulations. Each institution shall provide all necessary accommodations, except for food, at no cost to the inmates and their visitors. Institutions shall require eligible inmates to purchase all food for the family visit through the institution family visiting coordinator. Each institution family visiting menu shall provide a balanced variety of nutritional selections. At all CDC conservation camps, the visitors shall be required to bring all food for the visit.

~~Persons with only a common-law relationship to the inmate will not be recognized as immediate family members for the purpose of family visiting.~~ Only those immediate family members as defined in section 3000, including registered domestic partners, are authorized for family visits.

**Section 3177(a) is unchanged.**

**Section 3177(b)(1) is amended to read:**

(1) Family visits shall not be permitted for inmates convicted of a violent offense involving a minor or family member or any sex offense, which includes but is not limited to the following

Penal Code Sections: 187 (when the victim is a family member as defined in section 3000 or minor); 192 (when the victim is a family member or minor); 243.4 261; 261.5, 262; 264.1; 266c; 266j; 273a; 273d; 273.5; 273.6; 285; 286; 288; 288a; 288.2; 288.5; 289; 289.5; 311.1; 311.2; 311.3; 311.4; 313.1; 314; or 647.6.

**Sections 3177(b)(1)(A) through 3177(g) is unchanged.**

NOTE: Authority cited: sSection 5058, Penal Code. Reference: Section 5054, Penal Code; Section 297.5, Family Code.

**Section 3815. Limitations of Parole Services.**

**Section 3815(a) through (d) is unchanged.**

**Subsection 3815(e)(1) is amended to read:**

**(1)** Has been battered or subjected to extreme cruelty in the United States by a spouse or registered domestic partner or a parent, or by a member of the spouse's or registered domestic partner's or parent's family residing in the same household as the alien, and the spouse or registered domestic partner or parent of the alien consented to, or acquiesced in, such battery or cruelty; or has a child who has been battered or subjected to extreme cruelty in the United States by a spouse or registered domestic partner or a parent of the alien, without the active participation of the alien in the battery or cruelty, or by a member of the spouse's or registered domestic partner's or parent's family residing in the same household as the alien, and the spouse or registered domestic partner or parent consented or acquiesced to such battery or cruelty.

**Subsection 3815(e)(2) is unchanged.**

**Subsection 3815(e)(3)(A) is amended to read:**

(A) Status as a spouse or registered domestic partner or child of a United States citizen; or

**Subsection 3815(e)(3)(B) through (e)(4) is unchanged.**

NOTE: Authority cited: sSection 5058, Penal Code. Reference: 8 U.S.C. Sections 1621, 1641, and 1642; sSection 5054, Penal Code; Section 297.5, Family Code.